



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #4.000 Inmate Housing Under Interstate Compact

Page 1 of 12

Authority: Wyoming Statute(s): 7-3-401, <i>et seq.</i> ; 25-1-104; 25-1-105 ACA Standard(s): 2-CO-4B-02 PREANS Standard(s): 115.12a-b		Effective Date: March 30, 2015 Revision/Review History: 03/01/14 04/01/13 12/05/11
Cross Reference of Policy:		Summary of Revision/Review: Updates existing policy pursuant to annual review.
Approved: R.O. Lampert Robert O. Lampert, Director		Supersedes Existing Policy : 3-16-15 Date

APPROVED FOR INMATE DISTRIBUTION

REFERENCE

1. ATTACHMENTS – None Noted
2. OTHER – None Noted



I. PURPOSE

- A. **Transfer of Inmates under Interstate Compact.** The purpose of this policy and procedure is to set forth guidelines for the consideration, review, and transfer of inmates pursuant to an interstate compact or out-of-state contract housing pursuant to W.S. § 25-1-105(e) and to establish a process for tracking the progress of inmates housed and maintained outside the State of Wyoming pursuant to a compact/contract agreement. Written agency policy provides that transfers of offender supervision to and from out-of-state jurisdiction are in accordance with interstate compacts and other interstate agreements, (2-CO-4B-02)

II. POLICY

- A. **Transfer of Offenders.** It is the policy of the Wyoming Department of Corrections (WDOC) to provide programs of sufficiently high quality for the confinement, treatment, and rehabilitation of inmates through cooperation with other jurisdictions and the successful transfer of adult inmates in compliance with interstate compact agreements or contracts for the out-of-state housing of inmates pursuant to W.S. § 25-1-105(e).
1. Compacts may take the form of contracts and agreements with other states or the federal government, pursuant to Wyo. Stat. § 25-1-105(e), for the confinement and maintenance of persons sentenced to the custody of the WDOC to serve a term of imprisonment or may be pursuant to the Western Interstate Corrections Compact and Wyo. Stat. § 7-3-401, *et seq.*

III. DEFINITIONS

- A. **Inmate Man Days:** (*For this policy only.*) Accounting of days of service provided for each day an inmate spends at an institution as a result of an interstate corrections compact transfer.
- B. **Interstate Corrections Compact (ICC):** Contractual agreements with individual states for exchange of incarcerated offenders. Exchanges of offenders are mutual, balanced and at no additional cost to either state, with the exception of extraordinary health care costs resulting from off-site health care services, which must be pre-approved by the sending state.
- C. **Interstate Transfer Packet:** Information packet developed by the facility and submitted to the WDOC Housing and Classification Manager for consideration and use in transferring an inmate to another jurisdiction pursuant to an interstate compact.



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #4.000	Page 3 of 12
		Inmate Housing Under Interstate Compact

- D. PREANS:** Part 115 of Title 28 of the Code of Federal Regulations, titled Prison Rape Elimination Act National Standards, and adopted in accordance with the Prison Rape Elimination Act of 2003.
- E. Transportation Expenses:** (*For this policy only.*) Expenses incurred in transferring an inmate to another jurisdiction under an interstate compact, including all transportation (vehicle and/or air) expenses for inmates and escorting staff.

IV. PROCEDURE

A. Administration of Operations

1. The WDOC Housing and Classification Manager is designated as the Wyoming Compact Administrator and shall be responsible for establishing guidelines, operations, and procedures for the administration of all interstate corrections compacts and out-of-state housing agreements pursuant to W.S. § 25-1-105(e). The supervision of each compact/contract shall include the following:
 - i. Routing of necessary documents on a timely basis;
 - ii. Record keeping; and
 - iii. Monitoring of interstate compact/contract requests and correspondences to and from the State of Wyoming.
2. All decisions and requests regarding correctional compact or out-of-state housing contract matters shall be reviewed and approved by the WDOC Housing and Classification Manager.
3. Wardens are authorized to make decisions on compact/contract matters as it pertains to the daily operations and procedures of their correctional facility.
4. Minimum custody placements of an interstate transfer offender shall require approval of both the sending and receiving state.

B. Transfer Requests from Sending States



1. Requests from sending states received by the WDOC Central Office regarding inmate transfers or other compact matters shall be forwarded to the appropriate warden and correctional facility.
2. The WDOC Housing and Classification Manager shall acknowledge in writing to the sending state's Compact Administrator the receipt of, and the forwarding of their request to the appropriate warden and correctional facility.
3. The warden(s) from the Wyoming State Penitentiary, Wyoming Medium Correctional Institution, and the Wyoming Women's Center are designated by the WDOC Housing and Classification Manager to recommend acceptance or denial of interstate inmate transfers.
 - i. Warden's recommendations shall be forwarded in writing with rationale for the decision to the WDOC Housing and Classification Manager within thirty (30) days of receipt of a request for consideration.
4. The WDOC Housing and Classification Manager or designee shall monitor the sending state's request. Requests from a sending state shall be responded to in writing within forty-five (45) days of receipt.
5. If a state submits an inmate transfer request and packet directly to a warden, the warden shall send a copy to the WDOC Housing and Classification Manager.
6. WDOC reserves the right to require removal and return of compact inmates confined in WDOC facilities.

C. Transfer Requests to Receiving States

1. Warden(s) from the Wyoming State Penitentiary, Wyoming Medium Correctional Institution, and Wyoming Women's Center may submit formal written requests to the WDOC Housing and Classification Manager to forward to receiving states for the transfer of Wyoming inmates. Reasons for transfer include:
 - i. Compassionate;
 - ii. Incompatibility;
 - iii. Inmate management; and/or



iv. Other administrative reasons may be used when it is in the best interest of the Department and/or the inmate.

2. Compact/contract requests from the State of Wyoming shall be submitted to the WDOC Housing and Classification Manager and mailed directly to the Compact Administrator in the receiving state with an interstate corrections compact (ICC) packet for referral.

D. General Provisions Applying to All Interstate Transfers

1. Inmates approved for an interstate transfer are subject to the receiving states' policy, procedure, classification and housing processes.
2. A public agency that contracts for the confinement of its inmates with private agencies, or other entities, including other government agencies, shall include any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards (PREANS 115.12a).
 - i. Any new contract or contract renewal shall provide for the agency contract monitoring to ensure that the contractor is complying with PREA standards (PREANS 115.12b).
 - ii. Prior to inmate transfer, the receiving state shall provide written verification of their intent to comply with PREA standards.
3. Inmates requesting an interstate transfer for compassionate reasons (*e.g.*, family proximity, program participation, specific area of the country, *etc.*) are responsible for all transportation expenses prior to movement.
4. Interstate corrections compact/contract placements are considered permanent placements and meant to run the duration of an inmate's sentence unless specified for other reasons.
5. The State of Wyoming retains authority over the inmate's sentence computation, parole board appearance, parole eligibility as well as overall authority to return the inmate for any reason from an interstate corrections compact/contract placement.

E. Facility Standards

1. The Director will designate staff member(s) to review facility conditions in states being considered for contract/compact housing to determine suitability for that purpose. Review of facility conditions does not require on-site visits but may be completed through a review of conditions with



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #4.000	Page 6 of 12
		Inmate Housing Under Interstate Compact

Department personnel in the receiving state(s). Factors to be considered include the following:

- i. Whether the facility generally meets minimal acceptable standards of safety, cleanliness and orderliness;
- ii. Whether living, recreation and programming areas provide adequate space and light necessary to the comfort of inmates;
- iii. Whether the facility meets standards for compliance with the Prison Rape Elimination Act;
- iv. Adequacy of security features for the classification of inmates who will be housed;
- v. Adequacy of access to courts program;
- vi. Availability of or access to adequate medical, dental and mental health care;
- vii. Sanitary condition of food preparation areas;
- viii. Adequacy of climatological air-handling systems;
- ix. Adequacy of security staff to inmate ratios;
- x. Compatibility of other jurisdictional inmates in the facility with WDOC inmates;
- xi. Adequacy of areas designated for inmate services and programs;
- xii. Availability of inmate services and programs;
- xiii. Potential transportation and off-site costs.

F. Inmate Rights, Privileges and Programs

1. **Inmate Rights.** All contracts/compacts for housing WDOC inmates shall ensure that conditions and services meet all requirements of state and federal constitutional and case law, and this policy. At a minimum, such conditions and services shall include the following:



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #4.000	Page 7 of 12
		Inmate Housing Under Interstate Compact

- i. Sanitary and comfortable living quarters with adequate living/sleeping space and adequate access to toilet and shower facilities;
- ii. Adequate clothing and basic hygiene items;
- iii. Appropriate out of cell recreation time;
- iv. Nutritionally balanced, varied diet consisting of adequate portions of food;
- v. Adequate medical, dental and mental health care for serious medical needs;
- vi. Adequate investigation of and resolution of incidents involving inmate-inmate conflicts, threats, or assaults;
- vii. Legal research materials and/or assistance necessary for preparation and filing of non-frivolous initial pleadings in civil rights cases contesting current conditions of confinement or in collateral attacks on criminal convictions;
- viii. Disciplinary procedures which comply with constitutional procedural requirements in those cases where potential punishment includes imposition of significant and atypical hardships on the inmate in relation to the ordinary incidents of prison life or loss of good time off the maximum sentence;
- ix. Allowance of religious practices and items in accordance with the requirements of the *Religious Freedom Restoration Act*;
- x. Adequate security measures to protect inmates from known threats of harm by other inmates or themselves;
- xi. Humane treatment free from unnecessary and wanton use of excessive force by correctional staff;
- xii. Proper handling, safekeeping, inventory and accounting of inmate funds and property, with provision of pre or post deprivation remedies for lawful or negligent non-consensual takings, as appropriate under the circumstances, according to constitutional requirements;



<p align="center">WYOMING DEPARTMENT OF CORRECTIONS</p>	<p align="center">Policy and Procedure #4.000</p>	<p>Page 8 of 12</p>
		<p>Inmate Housing Under Interstate Compact</p>

- xiii. Appropriate allowance for postage consistent with similarly situated inmates. Allowance of and inspections of incoming mail and treatment of incoming or outgoing privileged mail shall be governed by the receiving state policy, within limits established by pertinent law; and
 - xiv. Access to an administrative grievance procedure for all issues related the housing and management of the inmate (with direction to grieve matters related to sentencing directed to WDOC).
2. **Parole Board Consideration.** WDOC inmates shall receive parole board appearances, hearings, considerations and decisions in the same manner provided to inmates of Wyoming penal institutions under pertinent regulations, except that all appearances and/or hearings may be conducted telephonically.
3. **Classification.** Initial inmate classifications will be performed pursuant to WDOC Policy and Procedure #4.401, *Inmate Classification*. The receiving state may conduct its own classification for housing purposes, provided the Wyoming inmate is treated consistently with similarly situated inmates in the receiving state. The receiving state may be required to provide conduct reports necessary to complete WDOC reclassification.
4. **Confidentiality of Records.** The receiving state shall maintain confidential treatment of inmate records in accordance with the law.
5. **Inmate Funds.** Inmate funds will be transferred to the receiving state upon transfer of the inmate. Statutory and regulatory requirements for accounting and disbursement of inmate funds, including disbursement for any individual obligations of inmates such as restitution, child support, etc., will be followed in the handling of such funds. Inmate funds will be returned to the WDOC upon return of an inmate.
6. **Good Time.** Inmates transferred pursuant to another state by contract/compact shall be eligible for awards, removal and restoration of good time in the same manner as provided for inmates in Wyoming penal institutions. The receiving state shall not provide recommendations for awards, removal or restoration of good time. However, the receiving state may be required to prepare and provide periodic conduct reports, as specified by the WDOC, containing information necessary for the Warden of the sending institution to make such determinations.
7. **Inmate Privileges.** Privileges for WDOC inmates may include:



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #4.000	Page 9 of 12
		Inmate Housing Under Interstate Compact

- i. **Visiting.** The receiving state may provide for inmate visiting consistent with similarly situated inmates in the receiving state;
 - ii. **Property.** Inmates will be subject to property allowances and rules of the receiving state. The receiving state will be required to provide any constitutionally required due process for taking, loss or destruction of their property. WDOC inmates shall provide for disposition of any property which inmates are allowed to possess at the time of transfer but which is not allowed by the receiving state;
 - iii. **Canteen.** Canteen privileges shall be governed by policies of the receiving state; and
 - iv. **Telephone.** Telephone privileges shall be governed by policy of the receiving state.
- 8. **Inmate Programs.** Programs available for WDOC inmates in the receiving state may include:
 - i. Education, vocational education and/or job training;
 - ii. Individual/Group therapy;
 - iii. Alcohol/Substance abuse therapy;
 - iv. Sex offender therapy;
 - v. Recreational activities;
 - vi. Employment in institutional or industrial jobs pursuant to policies of the receiving state; and
 - vii. Hobby crafts.
- G. **Interstate Packet Contents.** Interstate Packets submitted for consideration for transfer to another jurisdiction shall include the following items/information:
 - 1. Pre-sentence investigation;
 - 2. Most recent parole summary (if completed);
 - 3. Current disciplinary report;



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #4.000	Page 10 of 12
		Inmate Housing Under Interstate Compact

4. Sentence information;
5. Judgment and sentence;
6. Medical transfer summary;
7. Mental health summary;
8. Current classification paperwork (external, internal, and PREA); and
9. Any requested additional authorized information.

H. Steps for Review and Approval of Transfer Requests

1. Upon determination of the need for interstate placement, or at the inmate's request, the institutional case manager shall forward the interstate placement request to the correctional facility warden.
 - i. Case manager(s) shall provide all necessary rationale and recommendation for approval or denial to facility Warden.
2. The warden shall approve or deny the request based on relevant information with consideration to the best interest of the inmate and the safety, security and good order of the institution.
3. If the initial request is approved by the Warden, an interstate packet shall be completed at the facility and forwarded to the WDOC Housing and Classification Manager.
4. The WDOC Housing and Classification Manager shall review the correctional facility recommendation and interstate transfer request for final approval or denial.
 - i. If approved, the WDOC Housing and Classification Manager shall determine the appropriate location for housing.
 - ii. If the WDOC Housing and Classification Manager recommends denial, the information shall be forwarded to the Prison Division Administrator for a written determination.
5. The WDOC Housing and Classification Manager shall forward the completed interstate packet to the approved state(s) for consideration and approval.



6. The WDOC Housing and Classification Manager shall receive approval or denial from the receiving state. If approved, the WDOC Housing and Classification Manager shall arrange transportation and transfer of the inmate.

I. Tracking of Offenders

1. Inmate's transferred through an interstate corrections compact/contract shall be monitored by the WDOC Housing and Classification Manager and an assigned facility case manager.
2. The WDOC Housing and Classification Manager shall be responsible for tracking and maintaining records on inmates transferred to and from the state of Wyoming.
 - i. The WDOC Housing and Classification Manager shall be responsible for recording and tracking inmate man days.

J. Progress Reports

1. Requests for progress reports for Wyoming inmates transferred and housed in another state pursuant to an interstate corrections compact/contract shall be sent to the receiving state on a semi-annual basis by the case manager assigned to the interstate transfer inmates out of state.
 - i. Requests for progress reports may be mailed directly to the Compact Administrator in the receiving state provided a copy of the request is sent to the WDOC Housing and Classification Manager.
2. Requests for progress reports from a sending state regarding their inmate(s) transferred and housed in Wyoming shall be channeled through and monitored by the WDOC Housing and Classification Manager.
 - i. On at least a semi-annual basis, progress reports shall be prepared and submitted on interstate inmates received by Wyoming and housed at a WDOC facility by the facility case manager assigned to that inmate
 - ii. Reports may be sent directly to the sending state's Compact Administrator, provided a copy of the report is sent to the WDOC Housing and Classification Manager.



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #4.000	Page 12 of 12
		Inmate Housing Under Interstate Compact

V. TRAINING POINTS

- A.** All decisions and requests regarding correctional compact matters are reviewed and approved by what WDOC staff?
- B.** How many days from date of receipt does the WDOC Housing and Classification Manager have to respond to the sending state with a response to their requested transfer?
- C.** How many days from date of receipt does the warden have to respond to the WDOC Housing and Classification Manager with their recommendations to deny or approve an interstate corrections compact referral?
- D.** TRUE OR FALSE? Review of facility conditions in states being considered for contract/compact housing to determine suitability for that purpose does not require on-site visits but may be completed through a review of conditions with Department personnel in the receiving state(s)
- E.** TRUE OR FALSE? Inmates requesting compassionate transfers are responsible for all the costs of transport, staff time and vehicle maintenance.
- F.** TRUE OR FALSE? Interstate corrections compact placements are considered permanent placements?
- G.** TRUE OR FALSE? Progress reports need to be completed on inmates transferred to and from other states every year?